

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:18-cv-96-MR-WCM

BRIAN HOGAN, et al.,

Plaintiffs,

vs.

CHEROKEE COUNTY, et al.,

Defendants.

**BRIEF IN SUPPORT OF MOTION
FOR CONSENT PROTECTIVE
ORDER**

This case stems from the alleged removal of H.H., the daughter of Plaintiff Brian Hogan, by employees of the Cherokee County Department of Social Services (“DSS”). The Plaintiff has requested, and the Defendants will produce, records related to employee personnel matters and records related to DSS investigations. Some of these records contain information protected under N.C.G.S. §§ 7B-302, 7B-2901(a), and 153A-98, privacy of DSS records and privacy of county employee personnel files. The Parties also anticipate that confidential medical records will be produced by both sides.

Under N.C.G.S. § 7B-302 (a1) (1a), a court may order DSS to reveal confidential information concerning the reporter of abuse, neglect, and dependency. Under N.C.G.S. § 7B-2901 (a), “ a complete record of all juvenile cases filed in the

clerk's office alleging abuse, neglect, or dependency...may be examined only by order of the court.”

Under N.C.G.S. §153A-98 (c)(4), a court may order the release of these records. This statute states as follows:

c) All information contained in a county employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

The Parties are prepared to release these records pursuant to a protective order issued by the Court. A proposed order has been agreed to by all parties, and is attached to this Brief.

WHEREFORE, the Parties respectfully request that this Honorable Court grant their consent motion for a protective order.

This the 31ST day of January 2020.

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